

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 STEVEN SWARTWOOD; JOANNA
11 SWARTWOOD; R.S., a minor and D.S.,
12 a minor, by and through their Guardian Ad
Litem; Judy Swartwood,

13 Plaintiffs,

14 v.

15 COUNTY OF SAN DIEGO; SAN DIEGO
16 HEALTH AND HUMAN SERVICES
17 AGENCY; POLINSKY CHILDRENS
18 CENTER; MAYA BRYSON; WENDY
CURIEL; KELLY ROLLINS; SUSAN
SOLIS; AND DOES 1 TO 50, Inclusive,

19 Defendants.
20

No. 12cv1665-W(BGS)

**JOINT MOTION FOR COURT TO
RULE ON PLAINTIFFS' PETITION
FOR APPROVAL OF MINOR'S
INTEREST IN SETTLEMENT**

Pretrial conference date: March 2, 2015
Trial Date: None Set

21 Plaintiffs STEVEN SWARTWOOD, JOANNA SWARTWOOD, and minors R.S.
22 and D.S., by and through their Guardian Ad Litem Judy Swartwood, by and through their
23 attorney of record, Paul W. Leehey; and Defendants COUNTY OF SAN DIEGO, MAYA
24 BRYSON, WENDY CURIEL, KELLY ROLLINS, and SUSAN SOLIS, by and through
25 their attorney of record, David L. Brodie ("Parties") hereby submit this joint motion
26 requesting to Court to rule on the Plaintiffs' Petition for Approval of Minor's Interest in
27 Settlement of Action to be submitted herewith. The basis for this request is that the
28 Parties have entered into a settlement agreement in the action, in which Defendants will

12cv1665-W(BGS)

1 pay Plaintiffs \$1.1 Million once the Plaintiffs' Petition for Approval of the Minor's
2 Interest has been approved by the Court and thereafter will jointly move that the Court
3 enter Final Judgment in this matter as to certain matters and dismiss the remainder of the
4 matter, pursuant to Federal Rules of Civil Procedure Rule 41.

5 Pursuant to that settlement agreement, Defendants have agreed that the amount to
6 be allocated to the minors will be determined by Plaintiffs, subject to the Court's
7 approval. Based upon the foregoing, the Parties request this Court to approve Plaintiffs'
8 Petition for Approval of Minor's Interest in Settlement of Action submitted herewith.

9
10 Dated: February 13, 2015 THOMAS E. MONTGOMERY, County Counsel
11 By: *s/David L. Brodie*
12 DAVID L. BRODIE, Senior Deputy
Attorneys for Defendants

13
14 Dated: February 13, 2015 LAW OFFICES OF PAUL W. LEEHEY
15 By: *s/Paul W. Leehey*
16 Paul W. Leehey, Esq.
Attorney for Plaintiffs

17
18 I, PAUL W. LEEHEY, hereby certify that the content of this joint motion is
19 acceptable to all parties required to sign this joint motion. All parties authorize Plaintiffs'
20 Counsel to affix their CM/ECF electronic signature to this joint motion.

21 Dated: February 13, 2015 LAW OFFICES OF PAUL W. LEEHEY
22 By: *s/Paul W. Leehey*
23 Paul W. Leehey, Esq.
Attorney for Plaintiffs